THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 25299 of 2004

Dated: 02-08-2006

Between:

Md. Habebur Rahman

..... PETITIONER

AND

The Regional Passport Officer,
Hyderabad and another.

.....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 25299 of 2004

O R D E R:

This writ petition is filed seeking a declaration that the action of the respondent-Regional Passport Officer, in not considering the request of the petitioner for correction of date of birth in his passport, is arbitrary and illegal.

The petitioner states that his date of birth is 15-08-1978. However, in the passport bearing No.A5292631, dated 23-04-1998, the date of birth was wrongly recorded as 15-08-1976. It is stated that as per the S.S.C. Certificate, his date of birth is 15-08-1978 and therefore, he requested the respondent to correct the mistake crept in the passport. However, the respondent failed to consider the request of the petitioner. Hence, this writ petition.

It is required to notice that there is no provision under the Passports Act, 1967, which empowers the Regional Passport Officer to correct entries in the Passport. However, pursuant to the judgment of the High Court of Judicature at Bombay, in W.P.No.1072 of 2000, the Government of India issued instructions/clarifications in Circular dated 18-04-2001, which are to the following effect:

> " (a) Where an applicant is seeking rectification/correction of a mistake in the entry on date of birth/place of birth is the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, effect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.
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> (b) Where a competent authority issuing a birth

certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General Clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.

(c) Where the initial entry has been made on the basis of a supportive document issued by one competent authority i.e., school/educational authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent court of jurisdiction, certifying the valid date of birth/place of birth."

As of today, if any request for correction of date of birth in the passport is made, the Passport Issuing Authority is required to follow the aforementioned instructions. In that view of the matter, I deem it appropriate to dispose of the writ petition granting liberty to the petitioner to make an application to the respondent along with relevant material to substantiate his correct date of birth within four weeks from the date of receipt of a copy of this order. In which event the same shall be considered and appropriate orders be passed in the light of the circular dated 18-04-2001 within a period of four weeks thereafter.

With the above direction the writ petition is disposed of. No costs.

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G. ROHINI, J

Dated: 01-08-2006

Note: Issue C.C. in four days.

B/o

KLP